

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Nobutaka Wakamiya

Serial No.: 10/054,536

Filed: January 22, 2002

Title: Recombinant Human Mannan-Binding Protein and Producing Method of the Same


Group Art Unit: 1645

Examiner: To Be Assigned

Attorney Docket No. 19036/36614A

) CERTIFICATE OF MAILING  
) UNDER 37 CFR 1.08

) I hereby certify that this paper is being  
) deposited with the United States  
) Postal Service as First Class Mail in  
) an envelope addressed to:  
) Commissioner for Patents,  
) Washington, DC 20231 on March 4,  
) 2003.

)   
) Mark H. Hopkins, Ph.D.

## RESPONSE TO NOTICE OF INCOMPLETE REPLY

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) mailed February 11, 2003, Applicant submits the following.

This application was filed on January 22, 2002 as a **DIVISIONAL** of U.S. Serial No. 09/600,950 filed on September 8, 2000 with the same inventor as the prior application. Attached as Exhibit A is a copy of the filing transmittal documents clearly indicating reference to the prior application and that a copy of the prior application including the specification (with claims), drawings, oath or declaration was enclosed with the divisional application. Applicant received an Official Filing Receipt dated November 4, 2002 correctly identifying this application as a divisional of U.S. Serial No. 09/600,950. A copy of the Official Filing Receipt is attached hereto as Exhibit B.

Applicant received a Notice to File Corrected Application papers mailed November 4, 2002. A copy of that Notice is attached as Exhibit C. As the reply due date for this notice was Saturday, January 4, 2003, Applicants timely filed the required documents--the new drawings, the Sequence Listing in both paper and computer readable formats, the required Statement Under 37 CFR 1.821(e)-(f), and

previously omitted page 39 of the specification. The Statement clearly states that no new matter was introduced into the disclosure of this application. A copy of the Statement is attached as Exhibit D. Page 39 did not introduce new matter as this application is a divisional.

Therefore, the filing of a copy of the executed oath or declaration in the prior application complies with the requirement of submitting a declaration with a patent application under 37 CFR 1.63(d) and covers the items submitted in response to the Notice to File Corrected Application papers.

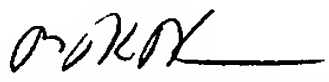
In view of the facts as stated above, no fee is believed due for this response since Applicant's first response to the Notice to File Corrected Application Papers was complete and timely filed. Furthermore, since the first response is believed to have been correctly and timely filed, no petition or fee for an extension of time under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application is believed necessary.

If, however, the Patent Office deems a fee and/or an extension of time to be due in view of this communication, Applicant authorizes the Patent Office to charge any such fees to Deposit Account No. 13-2855. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

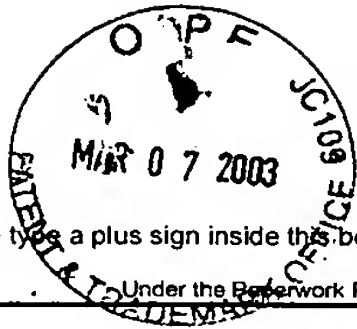
MARSHALL, GERSTEIN, & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300

By:

  
Mark H. Hopkins, Ph.D.  
Agent for Applicant  
Registration No. 44,775

March 4, 2003

0360



Please type a plus sign inside this box



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/054,536
		Filing Date	January 22, 2002
		First Named Inventor	Nobutaka Wakamiya
		Group Art Unit	1645
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission		Attorney Docket Number	19036/36614A

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Part I of Notice with copy of Dec/POA; A) Copy of Application Transmittal; B) Copy of Official Filing Receipt; C) Copy of First Notice to File Corrected Application Papers; D) Copy of Statement Under 37 CFR 1.821e-f; Return Postcard
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	MARSHALL, GERSTEIN & BORUN, 233 S. Wacker Drive, 6300 Sears Tower, Chicago Illinois 60606 Mark H. Hopkins, Ph.D.
Signature	
Date	March 4, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: March 4, 2003

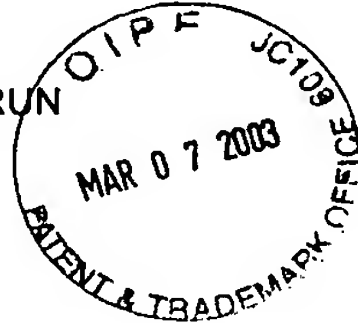
Signature: (Mark H. Hopkins, Ph.D.)



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/054,536	01/22/2002	1645	740	19036/36614A	22	8	3

04743  
MARSHALL, GERSTEIN & BORUN  
6300 SEARS TOWER  
233 SOUTH WACKER  
CHICAGO, IL 60606-6357



CONFIRMATION NO. 7209

FILING RECEIPT



RECEIVED

NOV 12 2002

Date Mailed: 11/04/2002

MARSHALL GERSTEIN

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Nobutaka Wakamiya, Ibaraki-shi, JAPAN;

**Assignment For Published Patent Application**

Fuso Pharmaceutical Industries, Ltd.;

**Domestic Priority data as claimed by applicant**

This application is a DIV of 09/600,950 09/08/2000 ABN

**Foreign Applications**

JAPAN HEI 10-11864 01/23/1998

If Required, Foreign Filing License Granted 10/31/2002

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

**Title**

Recombinant human mannan-binding proteins and producing method of the same



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/054,536	01/22/2002	Nobutaka Wakamiya	19036/36614A

04743  
MARSHALL, GERSTEIN & BORUN  
6300 SEARS TOWER  
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CHICAGO, IL 60606-6357



CONFIRMATION NO. 7209

## FORMALITIES LETTER



\*OC000000009053643\*

Date Mailed: 11/04/2002

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because: Docketed: 114103

- The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 2-11.

Docketed: 114103

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

-For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been omitted from the application:

- Page(s) 39 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/054,536	01/22/2002	Nobutaka Wakamiya	19036/36614A

CONFIRMATION NO. 7209

04743  
MARSHALL, GERSTEIN & BORUN  
6300 SEARS TOWER  
233 SOUTH WACKER  
CHICAGO, IL 60606-6357

## FORMALITIES LETTER



\*OC000000009505556\*

Date Mailed: 02/11/2003

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

Docketed: 1-4-03

The U.S. Patent and Trademark Office has received your reply on 01/06/2003 to the Notice to File Missing Parts (Notice) mailed 11/04/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration does not cover the newly submitted items.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

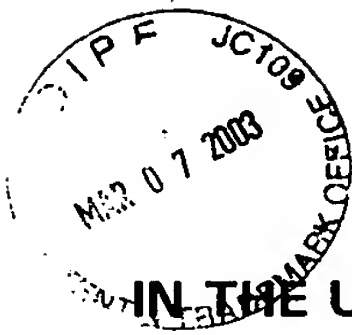
- \$130 Late oath or declaration Surcharge.

03/31/2003 YGIZAW 00000009 132055 10054536

01 FC:1051 130.00 CH

*A copy of this notice **MUST** be returned with the reply.*

*jm*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



10054536 EXHIBIT A  
EVOE 1075758US

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 19036/36614A

**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR 1.53 for filing a

- ☐ continuation application.  
☒ divisional application.

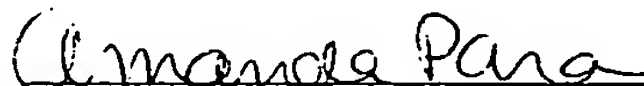
**1. Particulars of Prior Application**

Application Serial No: 09/600950  
Filed on: 09/08/00  
Title: Recombinant Human Mannan-Binding Proteins and  
Producing Method of The Same  
Art Unit: 1645  
Examiner: S. Devi, Ph.D.  
Prior Docket No.: 19036/36614

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on January 22, 2002, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EV 027095758 US.

  
Amanda Para



## 2. This request is filed by:

1. Full Name of Inventor	Family Name  Wakamiya	First Given Name  Nobutaka	Second Given Name
Residence & Citizenship	City  Osaka	State or Foreign Country  Japan	Country of Citizenship  Japan
Post Office Address	Post Office Address  9-20, Oike 1-chome, Ibaraki-shi	City  Osaka	State & Zip Code/Country  Japan

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

## 3. Amendments

- ☒ Amend the specification by inserting before the first line the sentence:  
--This is a **divisional** of U.S. application Serial No. 09/600,950, filed September 8, 2000.--
- ☒ Cancel claims 1-5 in the prior application before calculating the filing fee.
- ☒ A Preliminary Amendment is enclosed.
- ☒ The filing fee is based upon entry of the foregoing amendment(s) (if any).

## 4. Copy of Prior Application

- ☒ The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

## 5. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

## 6. Priority

- ☒ Priority of application No. Hei-10-11864, filed on January 23, 1998 in Japan is claimed under 35 USC 119.

☒ The certified copy was filed in prior U.S. application Serial No. 09/600,950.

☐ The certified copy(ies) has(have) not been filed.

**7. Assignment**

☒ The prior application is assigned of record to Fuso Pharmaceutical Industries, Ltd., and has been recorded at Reel No. 011076, Frame No. 0749.

**8. Small Entity Status**

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A small entity statement is(are) attached.

**9. Application to Be Published**

☒ Yes.

☐ No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

**10. Fee Calculation**

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$370.00		\$740.00
TOTAL	8 -20	= 0	X 9 =	\$	X 18 =	\$0
INDEP.	3 - 3	= 0	X 42 =	\$	X 84 =	\$0
<input type="checkbox"/> First Presentation of Multiple Dependant Claim			+ 140 =	\$	+ 280 =	\$0
Filing Fee:				\$	OR	\$740.00

**11. Method of Payment of Fees**

☒ Attached is a check in the amount of: \$740.00

☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.

**12. Deposit Account and Refund Authorization**

- ☒ The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.
- ☒ Please refund any overpayment to Marshall, Gerstein & Borun at the address below.


**13. Correspondence Address**

Customer No.: 04743

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300  
(312) 474-0448 (Telefacsimile)

By:

  
\_\_\_\_\_  
Mark H. Hopkins, Ph.D.  
Reg. No: 44,775

January 22, 2002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nobutaka Wakamiya

Serial No.: 10/054,536

Filed: January 22, 2002

Title: Recombinant Human Mannan-Binding Protein and Producing Method of the Same

Group Art Unit: 1645

Examiner: To Be Assigned

Attorney Docket No. 19036/36614A

CERTIFICATE OF MAILING  
UNDER 37 CFR 1.08

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on January 6, 2003.

  
Mark H. Hopkins, Ph.D.

## STATEMENT UNDER 37 C.F.R. §1.821(e)-(f)

Commissioner for Patents  
Washington, D.C. 20231


Sir:

I hereby state that the disclosures of the paper and computer readable forms of the Sequence Listing enclosed herewith in accordance with 37 C.F.R. §1.821(e)-(f) are exact copies of the paper and computer readable forms of the Sequence Listing filed in parent application Serial No. 09/600,950 and that both the computer readable and paper forms are the same and do not introduce new matter into the disclosure of this application.

Respectfully submitted,

MARSHALL, GERSTEIN, & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300

By:

  
Mark H. Hopkins, Ph.D.  
Agent for Applicant  
Registration No. 44,775

January 6, 2003

